

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MACDERMID PRINTING SOLUTIONS,
L.L.C.,

Plaintiff,

v.

E.I. DU PONT DE NEMOURS AND
COMPANY,

Defendant.

CIVIL ACTION NO. 07-4325 (MLC)

O P I N I O N

THE PLAINTIFF, MacDermid Printing Solutions, L.L.C. ("MacDermid"), brings this patent infringement action against the defendant, E.I. du Pont de Nemours and Company ("DuPont"). (See generally dkt. entry no. 1, Compl.) MacDermid alleges, inter alia, that DuPont infringes United States Patent Number RE39,835 ("the '835 Patent") by "making, using, offering to sell, selling and/or importing" a product known as "Cyrel DFM 67". (See id. at ¶¶ 8-11.)

DUPONT now moves for summary judgment in its favor and against MacDermid insofar as MacDermid alleges that DuPont's activities relating to Cyrel DFM 67 infringe the '835 Patent. (See dkt. entry no. 162, Mot.) DuPont properly supports the Motion with both a brief and statement of undisputed facts. (See dkt. entry no. 163, Br. in Supp.; dkt. entry no. 163-1, Statement of Undisputed Facts.) See also L.Civ.R. 7.1(d)(1), 56.1(a).

MACDERMID has filed a brief in response to the Motion. (See dkt. entry no. 174, MacDermid Br.) It has not filed a response to DuPont's statement of undisputed facts, and it has not offered a counterstatement of facts. MacDermid's brief consists of only two paragraphs, wherein MacDermid concedes that Cyrel DFM 67 does not infringe the '835 Patent. (See id. at 1 (stating, inter alia, "MacDermid no longer contends that DFM 67 plates infringe on the 835 [sic] Patent.")).)

THE COURT will thus issue a separate Order and Judgment, thereby (1) granting the Motion, and (2) entering judgment in DuPont's favor and against MacDermid in this action, insofar as it concerns Cyrel DFM 67.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Date: January 15, 2013